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James Kuo

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#3  
Election  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/051,870  
Applicant : Paul M. Stull  
Filed : January 16, 2002  
Title: METHOD FOR GASTRIC COOLING USING BALLOON CATHETER  
Art Unit : 3763  
Examiner : Thompson, Kathryn  
  
Docket No.: : RADME-58551  
Customer No. : 24201

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is responsive to the Office action of December 17, 2003, the response for which is due January 17, 2004. The Office action required a restriction of the application to claims 1-51 (Invention I) or claims 52-63 (Invention II). The Office action also required an election of a species directed to Figure 1 (Species A), Figure 5 (Species B), or Figure 7 (Species C) for examination.

Applicant hereby elects, with transverse, Invention I which the Office action defined to include method claims 1-51. Applicant hereby also elects, with transverse, the

species of Species A which is drawn to Figure 1. Applicant respectfully submits that claims 1-51 are readable on Species A, and that at least independent claims 1, 18, and 36 are generic.

Applicant respectfully submits that Species A and C share common features such as the balloon (22) and heat exchange unit (30) which are illustrated in Figures 1 and 7, respectively. Applicant further submits that it would not be burdensome for the Office to examine all three species in a single application.

Applicant respectfully requests early examination and favorable consideration of the pending claims. If the Examiner has any comments or questions regarding any of the foregoing, kindly telephone the undersigned.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: \_\_\_\_\_

  
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3763

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/051,870	
	Filing Date	January 16, 2002	
	First Named Inventor	Paul M. Stull	
	Art Unit	3763	
	Examiner Name	Thompson, Kathryn	
Total Number of Pages in This Submission		Attorney Docket Number	RADME-58551

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Response to Election/Restriction Requirement and postcard
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	FULWIDER PATTON LEE & UTECHT, LLP James Juo, Registration No. 36,177
Signature	
Date	1/9/04

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Typed or printed name	James Juo	Date	January 9, 2004
Signature			

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